

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

ROSALEE WILSON, et al.,

*

Plaintiffs

*

VS.

*

MICHAEL TURNER, et al.,

*

*

Civil Case No. 13-3497 ELH

Defendants

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* * * * *

**PLAINTIFFS' REQUEST FOR ENTRY OF DEFAULT
AS TO DEFENDANT AMERICA'S FINANCIAL TRUST, LLC**

Plaintiffs, Rosalee Wilson and Quintel Wilson, by and through their attorneys Jane Santoni and Williams & Santoni, LLP pursuant to Fed. R. Civ. P. 55(a) and after giving notice, respectfully request that the Clerk of this Court enter an Order of Default as to Defendant America's Financial Trust, LLC and state as follows:

1. Defendant America's Financial Trust, LLC is a Maryland Corporation currently not in good standing in the State of Maryland. America's Financial Trust, LLC is now a dissolved corporation, but in the course of this litigation has been dissolved, reinstated, and dissolved again. America's Financial Trust, LLC is in the business of collecting debts in this state with its principal place of business located in Baltimore County, Maryland. Thus this Court has personal jurisdiction over the defaulting party.

2. As the above captioned law suit involves a federal statute, this Court has subject matter jurisdiction pursuant to 15 U.S.C § 1692k(d), 28 U.S.C § 1337, and supplemental jurisdiction exist for the state law claims pursuant to 28 U.S.C. § 1367.

3. On November 20, 2013, Plaintiffs filed a Complaint (ECF 1) in the above captioned case and named America's Financial Trust, LLC as a Defendant.

4. Plaintiffs' Complaint alleged that Defendant America's Financial Trust, LLC violated the Fair Debt Collection Practices Act, the Maryland Consumer Debt Collection Act, and the Maryland Consumer Protection Act.

5. The court issued a summons for Defendant America's Financial Trust, LLC on November 22, 2013 (ECF 4) and this Defendant was served on January 15, 2014, (ECF 11).

6. On March 24, 2014 Plaintiffs filed an Amended Complaint (ECF 7), omitting Chigozie Nnabue as a Defendant and adding Crawford Johnson's Bail Bonds, Inc. as a Defendant.

7. On June 2, 2014, Plaintiffs filed a Request for Entry of Default (ECF 14) against Defendant America's Financial Trust, LLC, on the grounds that it had not filed an Answer or other responsive pleading. Defendant America's Financial Trust, LLC filed an Answer on June 6, 2014 (ECF 18).

8. On July 25, 2014, Plaintiffs filed a Second Amended Complaint, changing the name of Defendant Michael Turner to Paul O. Ederue. On September 3, 2014, Defendant America's Financial Trust, LLC filed an Answer to the Second Amended Complaint (ECF 43).

9. On November 25, 2014, this Court allowed counsel for America's Financial Trust, LLC to withdraw its appearance and stayed the case for 30 days to allow Defendant to retain new counsel (ECF 51).

10. On December 24, 2014, Valerie Ibe entered her appearance as counsel for Defendant America's Financial Trust, LLC (EFT 53). On March 26, 2014, Ms. Ibe filed a Motion to Withdraw as counsel for Defendant (EFT 61-62).

11. On April 6, 2015 this Court granted Ms. Ibe's Motion to Withdraw (EFC 65) and on April 7, 2015 gave Defendant America's Financial Trust, LLC 30 days to obtain new counsel (ECF 66). Defendant failed to retain new counsel and on August 6, 2015 this Court directed America's Financial Trust to show cause why a default should not be entered on claims against it, by August 20, 2015 (ECF 71).

12. Defendant America's Financial Trust, LLC has failed to retain new counsel and to file a show cause response. An Order of Default is therefore appropriate at this time.

13. Pursuant to Fed. R. Civ. P. 55(a), "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default."

14. Defendant America's Financial Trust, LLC has failed to retain new counsel for its representation, failed to answer discovery and failed to communicate with Plaintiff's counsel in any way about this case. Defendant has failed defend this case, and therefore Plaintiff's Request for Order of Default pursuant to Fed. R. Civ. P. 55(a) should be granted.

WHEREFORE, Plaintiffs request that the Clerk of this Court enter a default against Defendant America's Financial Trust, LLC.

Respectfully Submitted,

/s/Jane Santoni
Jane Santoni
Federal Bar #05303
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Towson, Maryland 21204
(410) 938-8666
Attorney for Plaintiffs

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* * * * *

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of September, 2015, the forgoing
“Plaintiffs’ Request for Entry of Default as to Defendant America’s Financial Trust,
LLC” was served by electronic means and by postage prepaid, first-class mail to:

Chigozie (Chazie) Nnabue
7 St. Paul Street, Suite 1660
Baltimore, Maryland 21202
Resident Agent for Defendant America’s Financial Trust, LLC

/s/ Jane Santoni
Jane Santoni
Federal Bar #05303
Williams & Santoni, LLP
401 Washington Avenue, Suite 200
Towson, Maryland 21204
(410) 938-8666
Attorney for Plaintiffs